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13 TWITCH INTERACTIVE, INC.

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 IN RE: PERSONAL WEB TECHNOLOGIES,
LLC ET AL., PATENT LITIGATION

18 AMAZON.COM, INC., and AMAZON WEB
19 SERVICES, INC.,

20 Plaintiffs and Counterdefendants;
v.

21 PERSONALWEB TECHNOLOGIES, LLC and
22 LEVEL 3 COMMUNICATIONS, LLC,

Defendants and Counterclaimants,

23 PERSONALWEB TECHNOLOGIES, LLC and
24 LEVEL 3 COMMUNICATIONS, LLC,

25 Plaintiffs,

26 v.

27 TWITCH INTERACTIVE, INC.,

28 Defendant.

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Case No.: 5:18-md-02834-BLF

Case No.: 5:18-cv-00767-BLF

Case No.: 5:18-cv-05619-BLF

**JOINT STATEMENT REGARDING
FINAL JUDGMENT OF NON-
INFRINGEMENT AS TO REMAINING
CUSTOMER CASES**

JOINT STATEMENT REGARDING FINAL JUDGMENT OF NON-INFRINGEMENT

On September 27, 2018, the Court stayed all customer cases in this consolidated action pending resolution of Amazon.com, Inc. and Amazon Web Services, Inc.’s (collectively “Amazon”) declaratory judgment action, *Amazon.com, Inc. et al v. PersonalWeb Technologies, LLC et al.*, No.5:18-cv-00767-BLF. *See In re PersonalWeb Technologies, LLC et al., Patent Litigation*, No. 5:18-md-02834-BLF (“MDL”) Dkt. 157. On November 27, 2018, the Court designated *PersonalWeb Technologies, LLC et al. v. Twitch Interactive, Inc.*, No. 5:18-cv-05619-BLF as the representative customer case for all of PersonalWeb’s patent infringement theories, the resolution of which would apply to all remaining cases in this multidistrict litigation. MDL Dkt. 313; *see also* MDL Dkt. 295.

On March 13, 2019, the Court granted Amazon’s motion for summary judgment on the basis that all infringement claims made against Amazon’s Simple Storage Service (“S3”) were barred by claim preclusion and the *Kessler* doctrine. MDL Dkt. 381. The Court entered final judgment in eight customer cases where the alleged infringement was based solely on the defendant’s use of S3. *Id.* Dkt. 411.

On February 3, 2020, the Court granted in part and denied in part Amazon’s motion for summary judgment of non-infringement as to all asserted patents, and granted Twitch’s motion for summary judgment of non-infringement as to all asserted patents, and entered judgment based thereon for Amazon and Twitch. MDL Dkt. 578; No.5:18-cv-00767-BLF, Dkt. 176; No. 5:18-cv-05619-BLF, Dkt. 83. On October 6, 2020, the Court *sua sponte* lifted the stay in the remaining cases to allow the Court to enter judgment consistent with the judgments entered in favor of Amazon and Twitch. Dkt. 636. The Court subsequently directed the parties to provide a joint statement advising the Court as to how it should enter its summary judgment order and final judgment in all remaining customer cases in this MDL and to provide a proposed judgment for the remaining cases. Dkt. 637.

The parties hereby submit a Proposed Judgment (attached as Exhibit A), which the Court may enter in each of the remaining cases. The parties agree that upon entry of judgment, the Court may close each remaining case.

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Dated: October 27, 2020

Respectfully submitted,

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ATTESTATION

The undersigned attests that concurrence in the filing of the foregoing document was
obtained from all of its signatories.

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